

December 17, 2012

Honorable Ronald M. Whyte  
United States District Court for the  
Northern District of California  
280 South First Street  
San Jose, California 95113

WRITER'S DIRECT LINE  
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Steven.Perry@mto.com

Re: *SK Hynix Semiconductor Inc., et al. v. Rambus Inc.*,  
Case No. CV-00-20905 RMW

Dear Judge Whyte:

I write in response to Your Honor's December 14, 2012 Order regarding Wednesday's hearing and in response to Ms. van Keulen's letter to you, dated today, regarding confidentiality issues that may arise at the hearing.

Rambus does not object to Hynix's request that the hearing on the royalty rate issues be closed so that counsel can address the rates in the third-party license agreements governed by the Court's October 22, 2012 Protective Order (D.E. 4172). *See, e.g., Apple, Inc. v. Samsung Electronics Co., Ltd.*, 2012 WL 5988570 (N.D. Cal., Nov. 29, 2012) (observing that "[t]he Ninth Circuit has held, and this Court has previously ruled, that pricing terms, royalty rates, and minimum payment terms of licensing agreements plainly constitute trade secrets, and thus are sealable.").<sup>1</sup> Rambus also suggests that the Court

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<sup>1</sup> Rambus notes that in addition to the protected royalty rate information described in Ms. van Keulen's letter, counsel for Rambus and Hynix are likely to refer to royalty calculations that are based upon sales data that was produced by Hynix in discovery (or in connection with the payment of supplemental damages) and that was designated by Hynix as "Confidential" or "Special Confidential."

MUNGER, TOLLES & OLSON LLP

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order the parties to review the hearing transcript promptly after we receive it so that the non-confidential portions of the hearing can be released to the public.

Please let us know if you require any additional information prior to the hearing.

Sincerely,

*/s/ Steven M. Perry*

Steven M. Perry

SMP:ei

cc: All counsel on ECF service list (via E-file)